

UNITED STATES DISTRICT COURT
for the

Western District of North Carolina

United States of America)
v.)
TERRY LEE ROSEBORO) Case No: 5:00CR14-001
Date of Previous Judgment: July 9, 2001) USM No: 16092-058
(Use Date of Last Amended Judgment if Applicable)) Robert C. Carpenter
Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of the defendant the Director of the Bureau of Prisons the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

DENIED. GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months **is reduced to** _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 35 Amended Offense Level: 35
Criminal History Category: VI Criminal History Category: VI
Previous Guideline Range: Life to _____ months Amended Guideline Range: Life to _____ months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

The reduced sentence is within the amended guideline range.
 The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
 Other (explain): No reduction due to mandatory statutory minimum sentence pursuant to 21 U.S.C. § 851 and career offender sentencing guidelines. As this is not a full resentencing, the court is also unable to consider Defendant's recent medical issues at this time. The court would only be able to fashion a new sentence on the basis of a change in health if an appropriate motion was made by the Bureau of Prisons pursuant to 18 U.S.C. § 3582(c)(1)(A)(i).

III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated July 9, 2001 shall remain in effect.

IT IS SO ORDERED.

Order Date: February 4, 2010

Effective Date: _____
(if different from order date)



Richard L. Voorhees
United States District Judge

